

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KENNETH PHELON,  
Plaintiff,

vs.

JEREMY HAMMAN, et al.,  
Defendants.

Case No: C 09-3393 SBA

**ORDER**

Docket 12

On September 23, 2009, Defendants filed a motion to dismiss Plaintiff's complaint. Dkt. 12. After being granted several extensions of time, Plaintiff filed a first amended complaint on September 23, 2010. Accordingly,

IT IS HEREBY ORDERED THAT Defendants' September 23, 2009 motion to dismiss is DENIED, without prejudice, as MOOT in view of Plaintiff's filing of a first amended complaint. Defendants may renew their motion to dismiss if appropriate in view of the allegations in the first amended complaint.

IT IS FURTHER HEREBY ORDERED THAT a telephonic Case Management Conference is scheduled in this matter for **December 8, 2010 at 2:45 p.m.** The parties shall meet and confer prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten (10) days prior to the Case Management Conference that complies with the Standing Order for All Judges of the Northern District of California and the Standing Order of this Court. Plaintiff shall be responsible for filing the

1 statement as well as for arranging the conference call. All parties shall be on the line and shall  
2 call (510) 637-3559 at the above indicated date and time.

3 This order terminates Docket 12.

4 IT IS SO ORDERED.

5 Dated: September 27, 2010

  
6 SAUNDRA BROWN ARMSTRONG  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 KEN PHELON,

5 Plaintiff,

6 v.

7 JEREMY D. HAMMAN et al,

8 Defendant.  
9 \_\_\_\_\_/

10 Case Number: CV09-03393 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on September 27, 2010, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
17 receptacle located in the Clerk's office.

18 Kenneth D. Phelon  
19 2932 - 55<sup>th</sup> Avenue  
20 Oakland, CA 94605

21 Dated: September 27, 2010

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk  
24  
25  
26  
27  
28